



MARYLAND
LEAGUE OF
CONSERVATION
VOTERS

March 23, 2022

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SUPPORT WITH AMENDMENTS: SB528 - Climate Solutions Now Act

Chairman Barve, Chairman Wilson, and Members of the Committees:

Maryland LCV strongly supports SB528 - Climate Solutions Now Act, and we thank the sponsor and the leaders of both the House and Senate bills for their leadership on this issue. We are grateful for the robust, ambitious policies to make substantive reductions to our state greenhouse gas emissions.

SB 528 provides critical elements that will help Maryland achieve its greenhouse gas emissions including creating a commitment to net-zero emissions by 2045, transitioning the state fleet to electric, and reducing the direct emissions from state-owned and private buildings. Additionally, the bill incorporates some key elements to address environmental injustice and workforce development related to climate change. We support these provisions as well as the creation of the Climate Catalytic Capital Fund, the Just Transition working group and the Climate Transition and Clean Energy Hub.

We respectfully offer and support strengthening amendments being offered by advocates, including the two below, which strengthen the PSC electrification study that was added in the Senate and which add community consensus definitions of “overburdened” and “underserved” in the context of defining communities disproportionately affected by climate change. Maryland LCV strongly urges a favorable report on this important bill.

PSC Electrification Study Amendments

(c) (1) The Public Service Commission shall complete a study, for electric companies with total gross annual revenues equal to or greater than 3% of the total gross annual revenues of all public service companies in the State, assessing the impact of a managed transition to a highly electrified building sector.

(2) The study required under subsection (1) shall:

- (i) use a projection of average growth in system peak demand between 2021 and 2050 to assess the overall impact on each distribution system;
- (ii) compare future system load growth to historic rates;
- (iii) consider the impacts of energy efficiency and load flexibility; and
- (iv) assess the effects of shifts in seasonal system loads.

(3) (i) The Public Service Commission may work with consultants and experts to complete the study required under paragraph (1) of this subsection.

(ii) Gas and electric public service companies shall provide information to the Commission and its consultants and experts, as necessary, to complete the study required under paragraph (1) of this subsection.

(4) On or before January 1, 2023, the Public Service Commission shall report its findings to the Legislative Policy Committee in accordance with § 2-1257 of the State Government Article.

Environmental Justice Definition Amendments

*New language in red; note: some language removed altogether

Bill Page 12, Lines 22-35 and Bill Page 13, Lines 1-26

(A) ON OR BEFORE DECEMBER 31, 2023, THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES, SHALL:

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT A METHODOLOGY FOR IDENTIFYING COMMUNITIES DISPROPORTIONATELY AFFECTED BY CLIMATE CHANGE;

(2) DEVELOP SPECIFIC STRATEGIES TO ADDRESS ENVIRONMENTAL JUSTICE CONCERNS, REDUCE EMISSIONS OF GREENHOUSE GASES AND CO-POLLUTANTS, AND BUILD CLIMATE EQUITY AND RESILIENCE WITHIN COMMUNITIES DISPROPORTIONATELY AFFECTED BY CLIMATE CHANGE;

(3) SET APPROPRIATE GOALS FOR THE PERCENTAGE OF STATE FUNDING NOT TO BE LESS THAN 40 PERCENT FOR GREENHOUSE GAS EMISSION REDUCTION MEASURES THAT SHOULD BE USED FOR THE BENEFIT OF COMMUNITIES DISPROPORTIONATELY AFFECTED BY CLIMATE CHANGE; AND

(4) REPORT TO THE MARYLAND COMMISSION ON CLIMATE CHANGE AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE POLICIES AND PROGRAMS DEVELOPED UNDER THIS SUBSECTION.

(B) IN EVALUATING METHODOLOGIES UNDER SUBSECTION (A)(1) OF THIS SECTION, THE DEPARTMENT SHALL INCLUDE THE MINIMUM:

(1) UNDERSERVED COMMUNITIES, defined as including any census tract, as determined in accordance with the most recent United States census, in which:

1. At least 25 percent of the residents qualify as low-income; or
2. At least 50 percent of the residents identify as non-white; or
3. At least 15 percent of the residents have limited English proficiency; AND

(2) OVERBURDENED COMMUNITIES, defined as including any census tract for which 3 or more of the below environmental and health indicators are above the 75th percentile statewide:

1. PM 2.5
2. Ozone
3. NATA diesel PM
4. NATA cancer risk
5. NATA respiratory hazard index
6. Traffic proximity
7. Lead paint indicator

8. Superfund proximity (npl sites)
9. Risk management plan facilities proximity
10. Hazardous waste proximity
11. Wastewater discharge indicator
12. Proximity to a Confined Animal Feeding Operation (CAFO)
13. % population lacking broadband coverage
14. Asthma Emergency Room Discharges
15. Myocardial Infarction Discharges
16. Low Birth Weight Infants
17. Proximity to power plants
18. Proximity to a TRI facility
19. (Proximity to a brownfield
20. Proximity to mining operations
21. Proximity to a hazardous waste landfill
22. Proximity to an unincorporated community; AND

(3) AREAS THAT ARE VULNERABLE TO THE IMPACTS OF CLIMATE CHANGE, SUCH AS FLOODING, STORM SURGES, AND URBAN HEAT ISLAND EFFECTS, DUE TO LOW LEVELS OF TREE COVERAGE, HIGH LEVELS OF IMPERVIOUS SURFACES, OR OTHER FACTORS.

(C) ANY AREA THAT DOES NOT MEET THE ABOVE NUMERIC CRITERIA FOR UNDERSERVED AND OVERBURDENED COMMUNITY MAY PETITION THE SECRETARY OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO BE DESIGNATED AS AN UNDERSERVED AND OVERBURDENED COMMUNITY BY:

(I) IN ORDER TO DESIGNATE AN AREA AS AN UNDERSERVED AND OVERBURDENED COMMUNITY, THE SECRETARY MUST MAKE FINDINGS WITH RESPECT TO WHETHER THE AREA MEETS EACH OF THE FOLLOWING CRITERIA:

- (A) THE ANNUAL MEDIAN HOUSEHOLD INCOME OF THAT AREA EXCEEDS 125 PERCENT OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME;
- (B) A MAJORITY OF PERSONS AGE 25 AND OLDER IN THAT AREA HAVE A COLLEGE EDUCATION;
- (C) THE NEIGHBORHOOD DOES NOT BEAR AN UNFAIR BURDEN OF ENVIRONMENTAL POLLUTION; AND
- (D) THE NEIGHBORHOOD HAS MORE THAN LIMITED ACCESS TO NATURAL RESOURCES, INCLUDING OPEN SPACES AND WATER RESOURCES, PLAYGROUNDS, AND OTHER CONSTRUCTED OUTDOOR RECREATIONAL FACILITIES AND VENUES.

(II) IF ALL OF THE CRITERIA ARE MET, THE SECRETARY SHALL NOT DESIGNATE THE AREA AS AN UNDERSERVED AND OVERBURDENED COMMUNITY.”

(D) IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS SECTION, THE DEPARTMENT SHALL...